

R277-406 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON AUGUST 5, 2011. THE NEW RULE IS SCHEDULED TO BE PUBLISHED IN THE SEPTEMBER 1, 2011 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF OCTOBER 10, 2011.

R277. Education, Administration.

R277-406. K-3 Reading Improvement Program and the State Reading Goal.

R277-406-1. Definitions.

A. "Benchmark assessment" means an assessment given three times each year (beginning of the year, middle of the year, and end of the year) designed to give teachers information to plan appropriate instruction, evaluate the effects of that instruction, and to provide data about the extent to which students are prepared to be successful on the end of year Criterion Referenced Test.

B. "Board" means the Utah State Board of Education.

C. "Grade level in reading" means that a student gains adequate meaning from independently reading texts designed for instruction at that grade level.

D. "LEA" means a Utah school district or charter school.

E. "LEA plan" means the K-3 Reading Achievement Program Plan submitted by public school districts and public charter schools.

F. "Midpoint of school year" means January 31 of the school year.

G. "Program" means the K-3 Reading Improvement Program.

H. "Program money" means funds allocated to an LEA through the K-3 Reading Improvement Program.

I. "School plan" means the K-3 Reading Achievement Program Plan submitted by a school, including charter schools.

J. "USOE" means the Utah State Office of Education

R277-406-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution, Article X Section 3, which vests general control and supervision over public education in the Board, by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities, and by Section 53A-17a-150(14) (a) which directs the Board to develop rules for implementing the K-3 Reading Improvement Program.

B. The purpose of this rule is to outline the responsibilities of USOE and LEAs for implementation of Section 53A-17A-150, K-3 Reading Improvement Program, and Section 53A-1-606.5, State Reading Goal-Reading Achievement Plan.

R277-406-3. Board/USOE Responsibilities.

A. The USOE shall provide model Program plans.

B. The Board shall approve the Program plans submitted by LEAs pursuant to R277-406-4A.

C. The USOE shall prepare and disseminate a Program report at the end of each school year from information submitted by LEAs.

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D. The Board shall make a report to the Public Education Appropriations Subcommittee that includes information on:

(1) student learning gains in reading for the past school year and the previous five years;

(2) the percentage of third grade students reading on grade level in the past school year and the previous five years;

(3) progress of schools and school districts in meeting the goals in their K-3 Reading Improvement Plan(s); and

(4) may include recommendations on how to increase the percentage of third grade students that read on grade level.

R277-406-4. Responsibilities of Schools and LEAs.

A. To receive Program money, each elementary school or school with K-3 grade levels in a school district, including charter schools, shall submit a school plan to its local board or charter board, and each LEA shall submit an LEA plan to the Board for reading proficiency improvement that incorporates the following components:

(1) assessment;

(2) intervention strategies;

(3) research-based best-practices;

(4) professional development for classroom teachers in kindergarten through grade three;

(5) reading performance standards; and

(6) opportunity for parents to receive materials and guidance to assist their child at home.

(7) specific measurable, gain-score goals that include:

(a) a goal of having every student reading at grade level by the end of grade three;

(b) a goal to increase the percentage of students who are at or above grade level at the end of third grade pursuant to Section 53A-1-603(2)d; and

(c) goals for kindergarten, first grade, second grade, and third grade for each school within a school district and each charter school based upon student learning gains. As of July 1, 2012 this gain score goal must be based on benchmark assessments administered pursuant to Section 53A-1-606.6.

(8) reporting to parents:

(a) effective July 1, 2012, at the beginning, in the middle, and at the end of grade one, grade two, and grade three their child's benchmark assessment results as required by Section 53A-1-606.6; and

(b) at the end of the third grade year, whether or not the child is at grade level in reading.

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B. The school plan shall be created:

(1) for schools in a district, under the direction of the school community council;

(2) for charter schools, under the direction of the charter school governing board.

C. Program money shall be used only for reading proficiency improvement and only for students in kindergarten, first grade, second grade, and third grade, and may be used to supplement but not supplant other programs. Program money may be used for reading assessments, focused reading remediations that may include the use of reading specialists, tutoring, before or after school programs, summer school programs, the use of reading software, or the purchase of portable technology devices used to administer reading assessments.

D. An LEA that uses Program money in a manner that is inconsistent with these rules, Utah law, or established rules of fiscal accountability shall be directed to reimburse the Board for the amount of money improperly used or managed.

E. LEAs shall complete the report pursuant to R277-406-3C within timelines set by the USOE.

F. If for three consecutive years an LEA fails to meet its goal to increase the percentage of third grade students who read on grade level, the LEA shall not receive K-3 Reading Improvement Program money the following year, and shall terminate any levy imposed under Section 53A-17a-151.

G. An LEA that loses Program money due to a failure to meet its goal of increasing the percentage of third grade students at grade level may reapply for the Program money upon submission of a revised K-3 Reading Improvement Plan after one year of not receiving Program money.

H. An LEA shall provide data and information for the USOE's year-end Program report to the Public Education Appropriations Subcommittee consistent with Section 53A-1-150(16). LEAs shall report:

(1) progress in meeting gain score goals for kindergarten, first grade, second grade, and third grade, including information from the previous five years;

(2) progress in meeting the state goal of all students at or above grade level in reading at the end of third grade, including the previous five years; and

(3) how Program money was expended, by categories of expenditure.

KEY: reading, improvement, goal

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Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-150(14)(a)